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Remarks

In this response, claims 1, 45 and 94 has been amended to correct informalities, claim 100 has been amended to include a missing portion and claims 6, 33, 56, 95-99 and 101-104 are being resubmitted along with the following arguments. The applicant greatly appreciates the Offices consideration of the presently submitted claims.

Structure of the Claims

To assist the Office in reviewing the presently submitted claims, the following claim structure is provided:

Independent Claims:

1	33	45	56
6	101		
93	102		
94	103		
95	104		
96			
97			
98			
99			
100			

In Paragraph 1 of the Official Communication, the Office identifies errors in the applicants preliminary amendment regarding claim numbering. These errors have been corrected in this response. In addition, the Office objected to the drawings under 37 CFR 1.83(a) indicating that the drawings do not show every feature of the invention specified in the claims. Figures 1 and 4 of the drawings have been amended in response to the Office's Objection. Two copies of each amended figure are included in this response: a clean copy and a copy that shows the amended material as

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encircled. These amendments do not add any new matter and support for the amendments can be found on pages 12 (lines 13-17 pertaining to the user interface of the playback device), 13 and 28-30 of the specification as originally submitted. In addition, amendments to pages 12 and 13 are being provided to assist the Office in correlating the figures with the applicable text.

In Paragraph 3 of the Official Communication, the Office rejected claim 100 under 35 USC 112, second paragraph. Claim 100 has been amended to overcome this rejection.

In Paragraph 4 of the Official Communication, the Office indicates that claim 1 lacks an antecedent basis for the limitation of “the portion of a currently active segment”. Claim 1 has been amended to correct this informality.

In Paragraph 5 of the Official Communication, the Office indicates that claim 94 lacks an antecedent basis for the limitation of “the mobile content”. Claim 94 has been amended to correct this informality.

In Paragraphs 6-14 of the Official Communication, the Office rejects claims 33, 45, 56 and 101-104 under 35 U.S.C 102(b) alleging that the claims are anticipated by U.S. Patent No. 5,732,216 to Logan et al.

In particular, the Office rejects claim 33 in paragraph 8. However, the applicant draws the Office’s attention to the language in claim 33 stating:

“receiving response information from the playback device, the response information including the unique identifier of a particular portion of a previously delivered content segment associated with the response”

Logan only teaches a player providing information to identify “program segments desired

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by the subscriber". This is not the same as providing response information that identifies a "particular portion of a **previously delivered content segment**". The recited language not only identifies "previously delivered content" as opposed to the "desired" or to be delivered content described in Logan, but also identifies a "portion of a ... content segment". Logan does not describe, suggest or teach either of these two elements. Thus, the applicant respectfully submits that the Office has failed to show at least these elements of the claimed invention in the cited reference and therefore, requests the Office to withdraw this rejection.

The Office rejects claim 45 in paragraph 9. However, the applicant points to the following claim language in claim 45:

receiving response information from the playback device, the
response information including the unique identifier of a particular
portion of a previously delivered content segment associated with
the response.

Similar to the arguments posed with regards to claim 33, the applicant respectfully submits that Logan does not describe, suggest or teach the recited elements of receiving response information that (a) identifies a particular portion of a content segment and (b) identifies a previously delivered content segment. Thus, the applicant respectfully submits that the Office has failed to show at least these elements of the claimed invention in the cited reference and therefore, requests the Office to withdraw this rejection.

The Office rejects claim 56 in paragraph 10. However, the applicant points to the following claim language in claim 56:

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receiving a response from the playback device, the response being associated with a particular portion of the content segment by the user actuating the user interface during the playback of a particular portion of the content segment; and
initiating actions based on the particular portion of the content segment with which the response is associated.

Similar to the arguments posed with regards to claim 33, the applicant respectfully submits that Logan does not describe, suggest or teach the recited element of receiving response information that identifies a particular portion of a content segment. Furthermore, Logan does not describe, suggest or teach initiating actions based on the particular portion of the content segment. Logan only describes the playback device uploading a list of desired content segments to be downloaded. This is not the same as a response that is associated with a "particular portion of the content segment" and initiating and action based on the particular portion. Thus, the applicant respectfully submits that the Office has failed to show at least these elements of the claimed invention in the cited reference and therefore, requests the Office to withdraw this rejection.

The Office also rejects claims 101-104 in paragraphs 11-14 respectively. As previously shown, Logan does not describe, suggest or teach receiving response information associated with a "portion of a content segment" as recited in claim 33, which is an allowable claim, from which claims 101-104 depend. Thus, claims 101-104 are allowable as depending upon an allowable

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claim.

In Paragraphs 15-26 of the Official Communication, the Office rejects claims 1, 6 and 93-100 under 35 U.S.C 103(a) alleging that the claims are unpatentable over Logan in view of U.S. Patent No. 6,055,566 to Kikinis. However, the applicant points out that with regard to claim 1, Logan does not describe, suggest or teach the elements of receiving response information that (a) identifies a particular portion of a content segment and (b) identifies a previously delivered content segment. Kikinis also does not describe, suggest or teach these two elements. The Office has failed to show how such a missing element would be obvious to include based on a combination of Logan and Kikinis. Thus, the applicant respectfully submits that the Office has failed to meet its requirements to support a rejection under 35 U.S.C 103(a) with regards to claim 1, as well as claims 6 and 93-100 that depend there from and therefore, requests the Office to withdraw this rejection.


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Conclusion

The applicant has clearly demonstrated that the claims as presented herein, are clearly patentable over the art of record and that the Office has failed to identify one or more references that disclose each and every element of the claims. Thus, the applicants respectfully submit that the current claims meet the requirements for patentability and request the Office to move this case towards allowance.

If the Examiner believes that there are any issues regarding this case or the claims that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call Gregory Smith at (770) 804-9070.

Respectfully submitted,



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